

78th Oregon Legislative Assembly - 2016 Regular Session
STAFF MEASURE SUMMARY
House Committee On Agriculture and Natural Resources

MEASURE: HB 4046 A
CARRIER: Rep. Krieger

Fiscal: Has minimal fiscal impact

Revenue: No Revenue Impact

Action Date: 02/09/16

Action: Do Pass With Amendments. (Printed A-Eng.)

Meeting Dates: 02/02, 02/09

Vote:

Yeas: 7 - Esquivel, Frederick, Gorsek, Krieger, McKeown, McLain, Witt

Nays: 2 - Barreto, Whitsett

Prepared By: Dan Roper, Committee Administrator

WHAT THE MEASURE DOES:

Increases penalties for unlawful taking or killing of certain wildlife. Requires Oregon Fish and Wildlife Commission (Commission) to revoke all licenses, tags, and permits issued pursuant to wildlife laws for certain offenses. Prohibits person from applying for or obtaining license, tag, or permit if such license, tag, or permit is revoked for second time in ten-year period. Requires court to order seizure or forfeiture of all guns, boats, vehicles, traps, and other implements used in committing offense upon third conviction within a 10-year period for violation of provision of wildlife laws or rule adopted pursuant to wildlife laws. Establishes mandatory minimum term of incarceration of 180 days if person is convicted of violation of wildlife laws, any rule pursuant to wildlife laws, or failure to comply with requirements of citation in connection to any such offense and at time of conviction person is subject to prohibition by court or Commission from applying for or obtaining all licenses, tags, or permits issued pursuant to wildlife laws. Specifies that each taking or killing of single animal constitutes separate unlawful taking or killing. Prohibits person from removing and utilizing only paws, gallbladder, sex organs, or bones from carcass of black bear or cougar or eggs from carcass of sturgeon, salmon, or steelhead unless engaged in lawful trapping activities or utilizing game mammals or game birds declared by Commission rule to be inedible. Precludes violation if taking or killing occurred unintentionally when engaged in an otherwise lawful activity. Adds gray wolf to list of game mammals for which Commission may institute suit for recovery of damages for unlawful taking or killing of wildlife.

ISSUES DISCUSSED:

- Concern over sufficient resources to enforce wildlife laws
- Need for stronger penalties to deter illegal taking of wildlife
- Taking wildlife in cases which involve protecting property and personal safety, ORS 498.012
- Appropriateness of mandatory minimum sentencing
- Adding *Canis lupus* to list of game species in ORS 496.705
- International efforts to reduce wildlife poaching

EFFECT OF COMMITTEE AMENDMENT:

Establishes mandatory minimum term of incarceration of 180 days if person is convicted of violation of wildlife laws, any rule pursuant to wildlife laws, or failure to comply with requirements of citation in connection to any such offense and at time of conviction person is subject to prohibition by court or Oregon Fish and Wildlife Commission (Commission) from applying for or obtaining all licenses, tags, or permits issued pursuant to wildlife laws. Precludes violation if taking or killing occurred unintentionally when engaged in an otherwise lawful activity. Adds gray wolf to list of game mammals for which Commission may institute suit for recovery of damages for unlawful taking or killing of wildlife.

BACKGROUND:

Poaching is the unlawful taking or killing of wildlife in violation of local, state, federal or international law. Activities that are considered poaching include killing an animal out of season, without a license, with a prohibited weapon, or in a prohibited manner. Killing a protected species, exceeding one's bag limit or killing an animal while trespassing may also be considered poaching.

Oregon is one of two states in which fish and wildlife enforcement is located within the state police department. The purpose of the Oregon State Police (OSP) Fish and Wildlife Division is to ensure compliance with the laws and regulations that protect and enhance the long term health and equitable utilization of Oregon's fish and wildlife resources. The Oregon Department of Fish and Wildlife (ODFW) is the primary partner of OSP's Fish and Wildlife Division. ODFW sets fish and wildlife resource management goals and, with OSP involvement, develops regulations to achieve those management goals and objectives. OSP assures compliance with the regulations to achieve resource management goals.

House Bill 4046 A would increase penalties for unlawful taking or killing of certain wildlife and prohibit the removal or utilization of certain animal parts.